

DRAFT: 11m/22 June 73 (proposed reply to request from Hill for our comments on allegation in CR made when Ervin bill was introduced)

Dear [Senator Symington]:

This is in response to your request for a report on a statement in the Congressional Record of 2 May 1973 that was made in connection with the introduction of S. 1688, the Federal employees' privacy bill, that:

"Moreover, recent Central Intelligence Agency disciplinary proceedings, in which requests for the presence of counsel or even of colleagues from the Agency have been summarily turned down, make clear the need for the protections of this legislation subject only to certain partial exemptions accorded to these agencies."

It is not the policy of this Agency to summarily reject requests for the presence of counsel or of colleagues in disciplinary proceedings within the Agency. I have had the matter thoroughly investigated and no case has been brought to my attention. If you or any other Senator have knowledge of such a case, I would appreciate being informed.

In the interest of protecting intelligence sources and methods from unauthorized disclosure certain protection has been extended to the Agency in statutes and executive orders in connection with certain adversary proceedings. As a result, the Agency believes that it has thereby inherited a greater degree of responsibility than normal for assuring that no injustices are done. Moreover, as a practical matter, the discipline and professionalism that the Agency expects of its employees requires positive attitude to this end.

It is clear that the Congress, in enacting several laws pertaining to the Agency realized the paramount governmental interest in protecting intelligence sources and methods from unauthorized disclosure in cases where this objective may conflict with other important considerations such as Federal employees' rights. However, while an employee cannot as a matter of right insist upon the presence of personal counsel during internal investigative proceedings, we have attempted to accommodate every reasonable request for the presence of personal counsel, ~~who meets~~ necessary security qualifications, at disciplinary proceedings.

In fact, even in a situation which does not involve disciplinary action, such as our ^{current} ~~recent~~ personnel reduction ^{program}, ~~it was our policy to permit~~ personal counsel ^{where present} whenever requested.

It is hoped that the above is responsive to your interest and if you would like anything further from us on this, please let me know.

Sincerely,